

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER**IN THE UNITED STATES DISTRICT COURT
FOR THE ~~EASTERN~~ DISTRICT OF PENNSYLVANIA**CARL ROBINSON JX3973

Full Name of Plaintiff	Inmate Number	:	Civil No. _____
v.			
<u>BUREAU OF HEALTH CARE SERVICES</u>			
<u>FOOD SERVICE DIVISION</u>			
Name of Defendant 1			
<u>BUREAU OF ADMINISTRATION</u>			
<u>FOR CENTRAL OFFICE</u>			
Name of Defendant 2			
<u>SUPERINTENDENT BERNADETTE</u>			
<u>MASON</u>			
Name of Defendant 3			
<u>DEPUTY SUPERINTENDENT</u>			
<u>LORI WHITE</u>			
Name of Defendant 4			
<u>CORRECT CARE SOLUTIONS, LLC</u>			
Name of Defendant 5			
(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).			

FILED
HARRISBURG, PA

DEC 22 2020

PER DAA
DEPUTY CLERK**I. NATURE OF COMPLAINT**

Indicate below the federal legal basis for your claim, if known.

- Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

Physicians Assistant

Jenna Williams

Name of Defendant 6

S.C.I. Mahanoy's Medical Dep't
Administrator John Steinhart

Name of Defendant 7

Dr. Baddick

Name of Defendant 8

Ms RITSKO, Carey

Name of Defendant 9

MS STANITIS.G, In their

Name of Defendant 10

individual and official
capacities

Defendants.

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

ROBINSON, CARL, S

Name (Last, First, MI)

JX3973

Inmate Number

S.C.I. Mahanoy

Place of Confinement

301 Morea Road

Address

Frackville, PA 17932

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Food Service Division, Bureau of Health Care Services

Name (Last, First)

Food Service Division

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant 2:

MASON BERNADETTE

Name (Last, First)

SUPERINTENDENT

Current Job Title

301 Morea Road, Frackville, PA 17932

Current Work Address

Frackville, PA 17932

City, County, State, Zip Code

Defendant 3:

WHITE LORI

Name (Last, First)

DEPUTY SUPERINTENDENT

Current Job Title

301 Morea Road

Current Work Address

Frackville, PA 17932

City, County, State, Zip Code

Defendant 4:

SOLUTIONS, LLC CORRECT CARE

Name (Last, First)

Health Care Provider

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant 5:

DR. BADDICK

Name (Last, First)

PHYSICIAN

Current Job Title

301 Morea Road

Current Work Address

Frackville, PA 17932

City, County, State, Zip Code

Williams Jenna

PHYSICIAN'S ASSISTANT

301 Morea Road

Frackville, PA 17932

Defendant 7:

Steinhart John

S.C.I. Mahoney's Medical Depot Administrator

301 Morea Road

Frackville, PA 17932

Defendant 8: BUREAU OF ADMINISTRATION FOR CENTRAL
OFFICE

Defendant 9:

Ms Ritsko, Casey

Business Office Rep

301 More Road

Frackville, PA 17932

Defendant 10:

Ms Stanitis, C

Dietary Supervisor

301 Morea Road

Frackville, PA 17932

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

At SCI Mahanoy ; ~~6/25/20 thru 11/1/20~~

6/25/20 thru 11/1/20

B. On what date did the events giving rise to your claim(s) occur?

June 25²⁰²⁰, August 17, 2020, September 7, 2020, September 12, 2020, September 16, 2020
October 5, ~~10~~ and 16, 2020

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

All of the above Defendants has deliberately been indifferent regarding; providing a adequate nutritional diet for my Auto immune disease called "gluten sensitive enteropathy" forcing Mr. Robinson to consume the food provided here at SCI Mahanoy which causes his immune System to attack and destroy its own tissues because of the gluten thots in the food. Also the Business office that provide services for copying "medical Records" here at SCI Mahanoy has deliberately been indifferent, they have went against policy (DC-ADM003, Release of information) also violating Municipal regulations by not providing requested medical records. Plaintiff has also been denied a nutritional No animal product diet by defendants above).

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

COUNT ONE: NUTRITIONAL INADEQUACY

Eight Amendment Violations

COUNT TWO: NEGLIGENCE

Eight Amendment Violation

COUNT THREE: FAILURE TO TRANSFER NECESSARY

MEDICAL RECORDS IN A TIMELY

FASHION Eight Amendment Violation

Count Four: 42 P.S. § 6152 Violations

Eight Amendment Violation

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

Severe emotional distress, Deficiency in hemoglobin, severe irreversible nerve damage and numbness in feet, weakness, weight loss, possible osteoporosis, malnutrition, possible intestinal lymphoma.

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

In any event award no less \$500,000, provide proper diet (gluten free), produce medical records in a timely fashion, when requested.

Provide nutritional No Animal Product Diet. Oxygen Therapy

Count Five: Failure To Administer Adequate Medical

Remedy

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

Carl Roberson

Signature of Plaintiff

December 9, 2020

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CARL ROBINSON

Plaintiff,

Complaint

v.

BUREAU OF HEALTH CARE SERVICES
FOOD SERVICE DIVISION

Civil Action No. _____

BUREAU OF ADMINISTRATION FOR
CENTRAL OFFICE

Jury Trial Demanded

SUPERINTENDENT BERNADETTE
MASON

DEPUTY SUPERINTENDENT
LORI WHITE

FILED
HARRISBURG, PA

CORRECT CARE SOLUTIONS, LLC

DEC 22 2020

PER ADM
DEPUTY CLERK

DOCTOR BADDICK

MEDICAL DEPARTMENT ADMINISTRATOR
JOHN STEIN HART

PHYSICIAN'S ASSISTANT

JENNA WILLIAMS

BUSINESS OFFICE SECRETARY

MS RITSKO, CAREY

Dietary Supervisor

MS Stanitis, In their

individual and official

Capacities

Defendants

I - Complaint

Plaintiff, Carl Robinson, pro se, for his complaint
states as follows:

II. Parties, Jurisdiction and Venue

1. Plaintiff Carl Robinson is confined in a state correctional institution, located at 301 Morea Road in the city of Frackville, PA from 2/18 to present date.
2. Plaintiff Carl Robinson is, and was at all times mentioned herein, an adult citizen of the United States and a resident of the state of Pennsylvania.
3. Defendant Bureau of Health Care Services Food Service Division is employed as [Food Dietitian, such as prison guard, warden or doctor] at S.C.I. Mahanoy and other institutions for the state.
4. Defendant Bureau of Administration for Central Office is employed as Administration of the DOC for Mahanoy
5. Defendant Bernadette Mason is and was at all relevant times herein the "superintendent" of the state correctional Institution.

AS Superintendent of the institution, Defendant manages its day-to-day operations and executes its policies.

6. Defendant Lori White is and was at all relevant times herein the "deputy superintendent" of the municipal prison for the City of Frackville. AS Deputy Superintendent of the institution, Defendant manages its day-to-day operations and executes its policies.
7. Defendant Correct Care Solutions, LLC is and was at all relevant times herein a private company that's employed by the institution.
8. Defendant Jenna Williams is and was at all relevant times herein an employee of the institution.
9. Defendant John Stankert is and was at all relevant times herein an employee of the institution.
10. Defendant Doctor Baddick is and was at all relevant times herein an employee of the institution.
11. Defendant Ms Ritsko is and was at all relevant times herein an employee of the institution.
12. Defendant Ms Stanitis is and was at all relevant times herein an employee of the institution

13. This action arises under and is brought pursuant to 42 U.S.C. Section 1983 to remedy the deprivation, under color of state law, of rights guaranteed by the Eight and Fourteenth Amendments to the United States Constitution. This Court has jurisdiction over this action pursuant to 28 U.S.C. Sections 1331 and 1333.

14. Plaintiff's claims for injunctive relief are authorized by Rule 65 of the Federal Rules of Civil Procedure.

15. This cause of action arose in the Middle District of Pennsylvania. Therefore, venue is proper under 28 USC Section 1331(b).

III. Previous Lawsuits by Plaintiff

16. Plaintiff has filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to his imprisonment.

IV. Exhaustion of Administrative
Remedies

17. The Plaintiff has exhausted his administrative remedies with respect to all claims and all Defendants because of denial of grievances by administration here at SCI. Mahanay. See attached Exhibit (2) as original copy.

V. Statement of Claim

18. At all relevant time herein, defendants were "persons" for purposes of 42 U.S.C. Section 1983 and acted under color of law to deprive plaintiff of his constitutional rights, as set forth more fully below.

VI. Statement of Facts

19. On August 17, 2020, plaintiff informed the Defendant Stanitis that he was not getting a nutritional no animal product diet and his soy beverage.

20. ON Several occasions prior to August 17, 2020, plaintiff informed defendant Stanitis that he was not getting what the no animal product diet says.

21. On August 22, 2020, Robinson also made a request to defendant Stavitis for his nutritional no animal product diet, and soy milk because he had not received them from the kitchen for breakfast. Defendant Stavitis didn't respond.

22. Plaintiff has expressed to Ms Stavitis (defendant) and to the other defendants Mason and Bureau Food Service division that I need a nutritional no animal diet because I am a diabetic that suffers from high blood pressure and ~~etc~~ cholesterol, no one responded.

23. On September 1, 2020, instead of the powdered soy milk that Plaintiff was getting, he was given a powdered dairy Kosher milk. Plaintiff sent request to Ms Stavitis (defendant). She denied that she gave me a dairy product for several days.

24. ON or about ^{June 25,} ~~August~~, 2020, plaintiff sent sickcall asking for a blood test screening to see if he suffered from celiac disease (ie. gluten sensitive enteropathy).

25. The following day Dr. Baddick returned with the sick call expressing to me that he knew I was a diabetic and yes diabetics need a better diet and that he would take care of me.

26. Plaintiff received blood work a week later.

27. ON August 25, 2020, I sent a request to Dr. Baddick to see if plaintiff test results were back regarding "celiac disease"; defendant didn't respond; plaintiff also sent a request to defendant White, she said that you should receive an answer in your grievance. See exhibit 3

28. Plaintiff sent a request to defendant Steinhardt asking for a proper diet and explaining how important it is for me to have a gluten free diet and how it effects plaintiff's body everytime he eats gluten, I was told to put in a sick call. See exhibit 4

29. On September 16, 2020, plaintiff sent a sick call about his blood test not being reviewed with him by defendant Williams or defendant Dr. Buddick.

30. On September 17, 2020, defendant Williams expressed to me verbally without showing me any results that my test came back negative.

31. Plaintiff has been diligent regarding reviewing his test results but have yet been successful.

32. On October 5, 2020, Plaintiff received a request back from defendant Ritsko, after Plaintiff requested his medical records be sent to three outside addresses defendant expressed that the court will need to request any documents that are needed. see exhibit 5

33. Plaintiff on October 5, 2020, expressed in grievance that the DC-ADM 003, (Release of information policy) that was given to the inmates says "The business office

of the facility and defendants Bureau of Administration
for central office shall be responsible for producing
an invoice for reproduction charges see exhibit D as original
copy.

34. Defendants Not providing nutritional diet and not providing
medical records is very harmful to my health and safety.

IN GENERAL

35. In general, defendants showed deliberate indifference to
the medical needs of plaintiff, and particularly neglected those
of the plaintiff.

36. Medical care at the institution was inadequate and
unprofessional. Medical records, vital in assessing plaintiff's
potential for future sickness and present sickness, were not
used to assist diagnoses. Deficiencies were the norm,
and plaintiff were unable to obtain examinations or
care upon request. Plaintiff always had to submit
grievances to receive medical care from a physician or
hospital.

37. For sick call, the screening process for determining whether a patient needed attention was inadequate, and in the meantime, plaintiff would have to beg guards or other staff for basic medical attention.

VII. PRAYER FOR RELIEF

38. Plaintiff request an order declaring that the defendants have acted in violation of the United States Constitution.

39. Plaintiff request an injunction compelling defendants to provide a nutritional & animal product diet, a gluten free diet, and to stop withholding plaintiff's medical records, and provide oxygen therapy if needed.

WHEREFORE, Plaintiff prays for judgment in his favor and damages in his favor against all defendants in an amount sufficient to compensate him for the pain and mental anguish suffered by him due to the deliberate indifference and intentional misconduct of defendants, but in no event less than \$50,000,

together with his attorney's fees and cost, and such additional relief as the court may deem just and proper.

Signed this December 12 day of 9, 2020.

Respectfully submitted,

CARL ROBINSON

I declare under penalty of perjury that the foregoing is true and correct.
Carl Robinson

December 9, 2020
Date